

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
CIVIL MINUTES**

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**Case Title:** Kyle Curtis Ash

**Case No.:** 21-20922 - A - 13

**Docket Control No.** DPC-2

**Date:** 08/17/2021

**Time:** 9:00 AM

**Matter:** [57] - Motion/Application to Dismiss Case [DPC-2] Filed by Trustee David Cusick (isaf)

**Judge:** Fredrick E. Clement

**Courtroom Deputy:** Janice Busch

**Reporter:** Not Recorded

**Department:** A

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**APPEARANCES for:**

**Movant(s) :**

None

**Respondent(s) :**

None

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**CIVIL MINUTES**

**Motion:** Dismiss Case

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

**CASE DISMISSAL**

The chapter 13 trustee moves to dismiss this chapter 13 case for a delinquency in payments under the debtor's proposed chapter 13 plan. For the reasons stated in the motion, cause exists under § 1307(c)(1), (c)(4) and § 1326(a)(1)(A) to dismiss the case. Payments under the proposed plan are delinquent in the amount of \$10,850.00.